



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND  
FREEDOM OF INFORMATION/PRIVACY OFFICE  
FORT GEORGE G. MEADE, MARYLAND 20755-5995

August 7, 2000

Freedom of Information/  
Privacy Office

Mr. Ernie Lazar  
P.O. Box 423434  
San Francisco, California 94142-3434

Dear Mr. Lazar:

References:

a. Your Freedom of Information Act (FOIA) request of August 8, 1998, to the Federal Bureau of Investigation (FBI) for records concerning Merwin Kimball Hart. The FBI, on July 19, 2000, forwarded your request to this office along with Department of the Army records, retrieved from their files, for a releasability determination. Your request was received in this office July 28, 2000.

b. Our letter of August 2, 2000, informing you that additional time was needed to review the records and we were unable to comply with the statutory 20-day time limit in processing your request.

We have completed a mandatory declassification review in accordance with Executive Order 12958. As a result of this review, it has been determined that the information contained in the records no longer warrants security classification protection and is partially releasable to you. The records are enclosed for your use. Fees for processing this request are waived.

Since the release of some of the information deleted from the records would result in an unwarranted invasion of the privacy rights of the individuals concerned, this information is exempt from the public disclosure provisions of the FOIA per Title 5 U.S. Code 552 (b) (7) (C).

The withholding of the information described above is a partial denial of your request. This denial is made on behalf of Colonel Donald D. Woolfolk, Acting Commander, U.S. Army Intelligence and Security Command, who is the Initial Denial Authority for Army intelligence investigative and security records under the FOIA. You have the right to appeal this decision to the Secretary of the Army. If you wish to file an appeal, you should forward it to this office. Your appeal must

*Merwin K Hart*

*50pp*  
*G-2 summary*  
*reports + memos*  
*in NYC FBI file*  
*100-21056*

~~CONFIDENTIAL~~

WAR DEPARTMENT

SP43B

HEADQUARTERS SECOND SERVICE COMMAND  
SERVICES OF SUPPLY  
(Office of Headquarters)

WCG/mcm

Governors Island, New York  
(Place)

August 24, 1942  
(Date)

Subject: MERTIN K. HART, JR.  
Co. D, 15th Sig. Serv. Regt., Ft. Monmouth, N.J.

Summary of Information:

1. Information received from a confidential source believed to be reliable is to the effect that subject had as a visitor at Ft. Monmouth one [redacted] former radio commentator for the German Government. The visit was during the month of April, 1942.

2. A general summary of information regarding above subject and his father, MERTIN K. HART, is transmitted for your information.

For the Director, Intelligence Division:

GEO. W. HINMAN, JR.  
Lt. Colonel, G.S.C.  
Executive Officer

1 Encl.-

Copy summary rpt re subject 8/6/42

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1/27/00 BY 60267 NLS/cicp/L  
439743

Previous Distribution:

BEST COPY AVAILABLE

Distribution:

- 3 - G-2, MIS, War Dept.
- 1 - PIO, Ft. Monmouth
- 1 - FBI, N.Y.

Evaluation

—of source —of information  
.....Reliable.....  
.....Credible.....  
.....Questionable.....  
.....Undetermined.....

~~CONFIDENTIAL~~

4 Aug 42  
USAINSCOM FORPA  
100-21056-1R

RFB-2 14 42 50M

C  
O  
P  
Y

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 1/27/00 BY 6027NLS/CLP/LL  
439743

August 6, 1942

SUMMARY OF INFORMATION

Subject: MERWIN K. HART, JR.  
Company "D", 15th Signal Service Regiment  
Fort Monmouth, New Jersey

A search of the files in this office reveals the following information concerning MERWIN K. HART, JR.

Subject is at this time a student in the Officer Candidate School, Fort Monmouth, New Jersey. Due to the fact that subject's father, MERWIN K. HART, SR., is allegedly connected with subversive activities and as subject is reported to have been friendly with [REDACTED] a German commentator and personal friend of DR. GOEBBELS, an investigation was conducted by the Post Intelligence Officer at Fort Monmouth, New Jersey, to determine subject's suitability for commission in the United States Army.

This investigation disclosed that subject was born in Utica, New York, June 16, 1918, and is a member of a prominent family in that city. Subject was educated at the Riverdale Country School, Riverdale-on-Hudson, New York, from which he graduated in 1936, and at Harvard College, Cambridge, Massachusetts, from which institution he received a B.A. degree in 1940. Subject matriculated at Cornell Law School on September 15, 1940, and obtained a leave of absence from that institution October 22, 1941, to enlist in the armed forces. Inquiry among subject's associates in Company D, 15th Signal Service Regiment, and in Company E, 3rd Signal Training Battalion, to which subject was previously assigned, indicates that MERWIN K. HART, JR., is a well-educated young man who freely expresses his opinions extolling the government of the masses by a small, highly efficient group of men at the top. Upon occasion subject is reported to have expressed his disapproval of our present form of government and advocated a form of government that was extremely Fascist in character.

A memo from the Assistant Chief of Staff, G-2, Seventh Corps Area, dated July 29, 1942, covering an interview with [REDACTED] quoted [REDACTED] stating that while he and HART, JR., were members of Company E, 3rd Training Battalion, Fort Monmouth, New Jersey, subject expressed a strong personal dislike for President ROOSEVELT and the policies of this administration. [REDACTED] was of the opinion that subject is under the complete dominance of his father, MERWIN K. HART, SR., who was reputedly pro-FRANCO during the Spanish Civil War. [REDACTED] further states that while subject was at Harvard he had known as an active Fascist and an admirer of BENITO MUSSOLINI. In conclusion [REDACTED] questions the integrity and loyalty of subject and his lack of discretion in expressing his personal view on the President, the war and the manner in which the War Department is conducting it.

ROUTED TO

FILE



C O P Y

The above-mentioned investigation conducted by the Post Intelligence Officer at Fort Monmouth fails to disclose any proof of subject's disloyalty to the United States Government or bad character in general. This investigation fails to associate subject with [REDACTED] well-known German commentator, or any subversive group. Pending final disposition of this investigation, subject's commission is being held in abeyance until such time as his loyalty is definitely established.

HART, SR., is a lawyer in Utica, New York, and a member of the law firm, HART, SR., AND NICHOLS, MR. HART, SR., is also president of the New York State Economic Council, 505 Fifth Avenue, New York City. A letter dated April 14, 1942, from P. E. FOXWORTH, Assistant Director of the New York office of the FBI, to Col. S. V. CONSTANT, contains the following information concerning HART, SR. A confidential informant advised the FBI that HART, SR., is President of the New York State Economic Council and that informant worked as his secretary in order to gather material about the background of the war in Spain. This informant stated that the first week she was employed by HART, SR., the latter gave a luncheon for MARTIN DIES at the Biltmore Hotel, in New York, and that [REDACTED], an officer of the German-American Bund, was in attendance accompanied by [REDACTED]. At about the same time this informant advised that HART, SR., formed the American Union for Nationalist Spain and that this organization received substantial contributions from [REDACTED] and the TEXAS COMPANY. This informant further advised that HART, SR., is a close friend of [REDACTED] head of the American Coalition of Patriotic Societies. At the time of this conversation between MR. FOXWORTH and the above named, she advised that one [REDACTED] the assistant to the Minister of Propaganda for FRANCO, was in this country and had offered to obtain a job for HART, JR., as he desired one. MR. FOXWORTH further advised that COL. CHARLES LINDBERGH has called on HART, SR., at his office several times and has conferred with him on numerous occasions.

It should also be noted here that the chairman of the board of the TEXAS COMPANY who was forced to resign due to his visits to a [REDACTED] in Scarsdale, New York, has made donations from time to time to HART, SR., to be used by the New York State Economic Council. MR. FOXWORTH further advised that HART, SR., has contacts with Spanish Ambassador to the U.S. and at one time was very close to members and leaders of the Christian Front organization. Information in the FBI files, New York, indicates that HART, SR., was associated with [REDACTED] editor of the Jesuit publication America; [REDACTED] who was connected with the Brooklyn Tablet; and [REDACTED] and others. In conclusion MR. FOXWORTH stated that information at his disposal reflects conclusively that the New York State Economic Council is devoting most of its time to the dissemination of propaganda on behalf of the FRANCO government. The tenor of this propaganda is to the effect that Generalissimo FRANCO is the man to fight for the cause of Christianity against Communism.

b7C

F B I	
AUG 25 1942	
N. Y. C.	
ROUTED TO	FILE

BEST COPY AVAILABLE

3

C O P Y

The files in this office indicate that HART, SR., a strong pro-Nazi sympathizer in New York, and [REDACTED] Executive Secretary of the American Committee Regarding Japanese Aggression, were active in 1935 in organizing the following groups: Society of Peter the Great (White Russian); The American Union for Nationalist Spain; The Irish-American Friends for Indian Independence; Indian Independence League; The American Committee for Non-Participation in Japanese Aggression. On several occasions HART, SR., and [REDACTED] held meetings with some of the White Russians in connection with the American Independence League. HART was previously Chairman for the American Union for Nationalist Spain and in this organization was associated with [REDACTED] a rabid Nazi; [REDACTED] and [REDACTED] the former editor of the Atlantic Monthly. b7D

It appears that HART, SR., also is interested in the American Patriots and through this organization is in contact with [REDACTED] and [REDACTED]. HART is reported to be interested in the activities of [REDACTED] Committee for the Preservation of American Principles, and a paper known as the Constitutionist edited by her husband, [REDACTED]. This committee follows the lines of [REDACTED] and [REDACTED].

In conclusion it appears that HART is a propagandist who operates more or less along the lines of [REDACTED] and has been instrumental in launching many organizations and committees in this country that are anti-administration, anti-Semitic and anti-British. In the course of carrying these activities out, it appears that HART has been in constant association with [REDACTED] and many others who are striving to achieve the same ends.

DUDLEY A. MATTHEWS  
2nd Lt., US

F B I	
AUG 25 1942	
N. Y. C.	
ROUTED TO	FILE

**WAR DEPARTMENT  
MILITARY INTELLIGENCE DIVISION**

**CONFIDENTIAL**

File No. Open file 1/2683 Investigation requested by Dir., Int. Div., Hq. 2nd Ser. Comm.  
 Date October 4, 1942 Office of origin Dir., Int. Div., Hq. 2nd Ser. Comm.  
 Subject: HART, Merwin E., Jr. (Pvt.) Report made at 208 Commonwealth Ave., Boston, Mass.  
ASH 32200146 Report made by [redacted] Sp. Agt., C.I.C.  
Co. D, 16th Sig. Serv. Regt. Period covered May 18 - October 4, 1942  
Fort Monmouth, New Jersey Character of investigation Disaffection  
 Status of Case ENC

**SUMMARY:****REASON FOR INVESTIGATION:**

Investigation of the undeveloped leads in this Service Command relative to the subject, Merwin E. HART, Jr., was requested by the Director, Intelligence Division, Hq. Second Service Command, as subject, a student at Officers Candidate School at Fort Monmouth, New Jersey, is suspected of having pro-Nazi sympathies.

**DETAILS:**

**ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED**

DATE 1/27/00 BY 60267 NLS/CLL  
434743

Fourteen-point Topic outline:**1. Personal Data:**

Birth: Not known in this Service Command.  
 Description: Not known in this Service Command.  
 Characteristics: Strong-willed; self-possessed; honest; straightforward; quiet; unpopular; quick temper; insolent; outspoken in his views on Democracy; untrustworthy. (Memo R, C.D.E.F.)  
 Marital Status: Not known in this Service Command.

**2. Family Data:**

Not known in this Service Command.

**3. Education:**

Sept., 1936-June, 1940 Harvard College, Cambridge, Mass. Graduated with A.B. degree. (Memo R)  
 Other education not known in this Service Command.

**4. Employment:**

Not known in this Service Command.

Recommendations and Comment:

Details: (To be continued on next page)

- to next page -

## Distribution:

MTD, Washington, D. C., 3 copies  
 G-2, 2nd Corps Area 7 copies

Approved

(DETAILS Cont.):

5. Military History: Not known in this Service Command.
6. Unit Check: Not known in this Service Command.
7. Addresses: Leverett House, Harvard College, Cambridge, Mass.  
(Memos C, D, E)
8. Barracks Check: Not known in this Service Command.
9. Organizations: Young Conservatives Club, Executive, and Spanish Club  
while at Harvard. (Memo H)
10. Principal Amusements: Not known in this Service Command.
11. References: Not known in this Service Command.
12. Acquaintances: [REDACTED] Superintendent, Leverett House,  
Harvard College, Cambridge, Mass. (S) (Memo C)  
[REDACTED] Master, Leverett House, Harvard  
College, Cambridge, Mass. (U) (Memo D)  
[REDACTED]  
[REDACTED] (U) (Memo E)  
[REDACTED] (S)  
[REDACTED] (Memo B)  
[REDACTED] (U) (Memo F)
13. Credit Record: No record. (Memo I)
14. Police Record: No record. (Memos H, J)

ADVERSE INFORMATION:

1. While a student at Harvard, HART engaged in anti-Communist demonstrations, and was reprimanded for posting anti-Communist placards. (Memos A, B, C, F, H)
2. HART's father was an active pro-Nazi, anti-Communist leader. HART admired and imitated his father. (Memos B, G)
3. HART admired Hitler system. (Memo F)
4. HART's loyalty and trustworthiness distrusted by teachers. (Memos H, I, J)
5. HART was not liked by fellow students. (Memo D)

RECORDED UNCLASSIFIED  
ON 4 Aug 00  
BY USAINSCOM FOLPA  
Auth Para 4-102 DOD 5200.1R

BEST COPY AVAILABLE



~~CONFIDENTIAL~~  
File No. Open File 1/2383

UNDEVELOPED LEADS:

None in this Service Command.

REMARKS AND CONCLUSIONS:

Investigation in this Service Command discloses that HART did have pro-Nazi sympathies while attending Harvard.

RECOMMENDATIONS:

This Agent believes Subject to be a peer specimen for Officers Candidate School, and also to be pro-Nazi. Request for full investigation at Fort Monmouth, and Subject should be kept under surveillance until investigation is closed. Case should remain pending.

RECORDED & INDEXED  
ON 4 Aug 00  
BY USAJNSCOM/FOI/PA  
Auth Part 1-102 DOD 5200.1R

BEST COPY AVAILABLE

-Page 3

7



DETAILS (Unless otherwise stated, the following information is taken from SUBJECT's 201 File, 20 Card (WD AGO Form #20) and Service Record)

# Fourteen Point Outline:

1. Addresses: Present: Officer Candidate School, Co. D, 15th Signal Service Regiment, Fort Monmouth, N. J.  
 Previous: Co. E, 3rd Signal Training Battalion, Ft. Monmouth, N.J.  
 11/19/41 to 12/19/41: Camp Upton, New York.  
 11/6/41 to 11/19/41: Fort Niagara, New York.  
 Home Address: Pippin Hill, New Hartford, New York
2. Personal Data: Birth: Utica, New York on June 16, 1918.  
 Present Age: 24 years.  
 Description: 5'8", 147 lb; brown eyes; brown hair; ruddy complexion; medium figure; good posture. (EXHIBIT "A")  
 Languages: Reads French and Spanish.  
 Travel: Information was received that SUBJECT has traveled in Germany, but investigation did not disclose it. Only a faint recollection of it was noted in EXHIBIT "I".  
 Religion: Protestant.  
 Characteristics: Sincere, willing to do his share of any job assigned, conscientious, superior attitude, good character, high ideals, well-educated, neat, tidy, self-centered. (EXHIBITS "E" "F" "G" & "I")
3. Family Data: Father: Herwin E. Hart, born in Utica, New York. Member of law firm of Hart, Senior & Nichols, First National Bank Bldg., Utica, N. Y. President of N. Y. State Economic Council, Inc., 505 Fifth Ave., New York City. (EXHIBIT "H")  
 Mother: Mrs. Margaret Crouse Hart, born in Utica, N.Y. Parent's address: Pippin Hill, New Hartford, N. Y.  
 Marital Status: Single.
4. Education: 1924 to 1932: Grammar School in Utica, N. Y. Graduated in 1932.  
 1932 to 1936: Riverdale Country School, Riverdale-on-Hudson, New York City. Graduated in 1936. Studied academic course. (EXHIBIT "O")  
 1936 to 1940: Harvard University, Cambridge, Mass. Majored in History, Government, and Economics. Received AB Degree in 1940.  
 1940 to 1941: Cornell University, Ithaca, N. Y. Studied Law. (EX. "D")
5. Employment: July 1940 to July 1941: Utica Mutual Insurance Co., First National Bank Bldg., Utica, New York. (EXHIBIT "Q")  
 Previous: Solicited funds and organized Boys Camp for underprivileged boys. Had full charge of personnel and campers. Period of 2 years. Self-employed. (EXHIBIT "A")
6. Military History: Prior Service: Inducted Nov. 6, 1941. Discharged for the convenience of the Government on Nov. 18, 1941 to enlist in the Regular Army. Accepted for service USA RS, Ft. Niagara, New York on Nov. 19, 1941 in grade of Private by Captain H. Reyes, Infantry, for regular Army (unassigned) Camp Upton, N. Y. to serve 3 years.  
 Organizations to which Attached: Headquarters 1222 Reception Center, Camp Upton, N.Y. from 11/19/41 to December 1941.

RECORDED UNCLASSIFIED  
 ON 4 Aug 00  
 BY USAINSCOM/DMA  
 AUTH FOR 16C DOD 5200.1R

~~CONFIDENTIAL~~

6. Military History (cont) Company M, 15th Signal Service Rgt., Ft. Monmouth, N. J. from 3/3/42 to 4/10/42. Company D, 15th Signal Service Rgt., Ft. Monmouth, N. J. from 4/11/42 to present date.  
Organizations to which Assigned: Company E, 3rd Sig. Tn. Battalion, Ft. Monmouth, N. J. December 1941. Signal Corps School, Ft. Monmouth, N. J. 3/3/42. Promoted to grade of Corporal 4/1/42, Ft. Monmouth, N. J. SUBJECT is now attending Officer Candidate School, Ft. Monmouth, N. J.  
(EXHIBITS "A" "B" "C" & "D")
7. Organizations: Boys Club of Utica, New York.
8. Principal Amusements: Mountain climbing, camping, walking and hiking.  
Sports: Basketball.
9. References: (The following references were taken from a review of SUBJECT's Officer Candidate 201 File, which is on file in the Officer Candidate School, Ft. Monmouth, N. J. These letters were written at the request of SUBJECT when he filed his application to attend school.)  
[REDACTED], Griffith & Brackett, 507-512 Mayo Bldg., Utica, N. Y.  
(EXHIBIT "M") Favorable.  
[REDACTED], Director, Psychological Service Center, 522 Fifth Ave., New York City. (EXHIBIT "N") Favorable.  
[REDACTED], Headmaster, Riverdale Country School, Riverdale-on-Hudson, New York City. (EXHIBIT "O") Favorable.  
[REDACTED], Consolidated Edison Company of New York, Inc., 4 Irving Place, New York City. (EXHIBIT "P") Favorable.  
[REDACTED], President, Utica Mutual Insurance Co., First National Bank Bldg., Utica, New York. (EXHIBIT "Q") Favorable.
10. Barracks Check: [REDACTED] Private, Co. E, 3rd Sig. Tn. Bn., Ft. Monmouth, N. J.  
(EXHIBIT "E")  
[REDACTED] Private, Co. E, 3rd Sig. Tn. Bn., Ft. Monmouth, NJ  
(EXHIBIT "F")  
[REDACTED] Private, Co. C, 14th Sig. Serv. Rgt., Ft. Monmouth, N. J. (EXHIBIT "G")  
[REDACTED] Co. F, 15th Sig. Serv. Rgt., Ft. Monmouth, N. J.  
(EXHIBIT "H")  
[REDACTED] Corporal, Co. D, 15th Sig. Serv. Rgt., Ft. Monmouth, N. J. (EXHIBIT "I")
11. Unit Check: [REDACTED] First Sgt., Company E, 3rd Battalion, Ft. Monmouth, N. J. (EXHIBIT "J")  
[REDACTED] First Sgt., Company D, 15th Signal Service Regiment, Ft. Monmouth, N. J. (EXHIBIT "K")
12. Acquaintances: [REDACTED] Corporal, Company D, 15th Signal Service Regiment, Ft. Monmouth, N. J. (EXHIBIT "L")  
See Unit Check and Barracks Check.
13. Credit Record: Unknown
14. Police Record: Not determined.

BEST COPY AVAILABLE

Undeveloped Leads:

For the A. C. of S., G-2 Second Corps Area.

UTICA, NEW YORK

- Leads. (1) Bureau of Vital Statistics - SUBJECT born June 16, 1918.  
(2) Grammar School - SUBJECT attended from 1924 to 1932.  
(3) Boys Club - Organization of which SUBJECT is a member.  
(4) Hart, Senior & Nichols, First National Bank Building - Employment of SUBJECT's father.  
(5) Check Police Department.

NEW HARTFORD, NEW YORK

- Leads. (1) Pippin Hill - SUBJECT and his parents present address.  
(2) Check Police Department.

NEW YORK CITY, NEW YORK

- Leads. (1) State Economics Council, Inc., 505 Fifth Avenue - SUBJECT's father president of this Company.  
(2) Riverdale Country School, Riverdale-on-Judson - SUBJECT attended from 1932 to 1936.  
(3) Bureau of Passports. SUBJECT supposedly traveled in Europe in 1938.  
(4) Check Police Department.

FT. NIAGARA, NEW YORK

- Leads. (1) SUBJECT at this fort from Nov. 6, 1941 to Nov. 19, 1941.

CAMP UPTON, NEW YORK

- Leads. (1) SUBJECT at this post from Nov. 19, 1941 to December 19, 1941.

ITHACA, NEW YORK

- Leads. (1) Cornell University - SUBJECT attended from 1940 to Oct. 1941.

For the A. C. of S., G-2 First Corps Area:

CAMBRIDGE, MASSACHUSETTS

- Leads. (1) Harvard University - SUBJECT attended from 1936 to 1940 and graduated in 1940.  
(2) Check Police Department.

RECORDED UNCLASSIFIED  
ON 4 Aug 00  
BY USA3300 FOLPA  
Auth Per 100 DOD 5200.1R

BEST COPY AVAILABLE



MEMORANDUM TO OFFICER IN CHARGE

Subject: **MERWIN K. HART**, 32200145, Company "D" 15th Signal Service  
Regiment, Fort Monmouth, New Jersey.

Re: Military Record

I

This agent reviewed the Service Record and the 20 Card (WD A.G.O. form #20) on this date in the personnel office of the 15th Signal Service Regiment, Fort Monmouth, New Jersey in regard to the personnel investigation of SUBJECT, which was requested by the Post Intelligence Officer, Fort Monmouth, New Jersey. SUBJECT is suspected of pro-Nazi sympathies.

II

WD A.G.O. Form #20:

Birthplace of father: Utica, New York.

Birthplace of mother: Utica, New York.

Birthplace of soldier: Utica, New York. June 16, 1918.

Left school in 1940. Attended grammar school 8 years, Utica, New York. Graduated in 1932. Attended high school 4 years, New York City, N.Y. Studied academic course. Graduated in 1936. Attended Harvard University, Cambridge, Mass., where he majored in History, Government and Economics. Received A.B. Degree in 1940.

Nearest relative: Mrs. Margaret C. Hart, Pippin Hill, New Hartford, New York.

Talent: Singing - Glee Club 1936.

Occupation: Under-writer clerk. Worked at it one year at \$25 a week. Nature of work: Received requests for information on policies by mail from agents in branch offices. Obtained information for manual and wrote letters answering requests. Used dictaphone, did some typing - not touch system.

Last date of employment: August 1941. Employer: Utica Mutual Insurance Company, Utica, New York.

Second Best Occupation: Director of Camp. At it for 3 years at \$10 a week.

Duties: Organized and directed summer camp for under-privileged boys from 10 to 17 years old. Was in complete charge of 100 boys.

Inducted from 2nd Corps Area.

General Classification Test: 149 - Class I. Code 58 G.E.I. B19.

Sports: Basketball.

Prior service: Selective Service for 13 days as a Private in the Army of the United States. Discharged 1941. This interview was conducted at Headquarters 1222 Reception Center, Camp Upton, New York on December 10, 1941.

Service Record:

Born June 16, 1918, Utica, New York.

Height 5'8" Weight 148 Eyes brown. Hair brown. Complexion ruddy.

Marital Status: Single.

Occupation: Student.

BEST COPY AVAILABLE

Page 1



Home Address: Pippin Hill, New Hartford, New York.  
Nearest Relative: Mrs. Margaret C. Hart, Pippin Hill, New Hartford,  
New York.

Person to notify in case of emergency: Same.

Beneficiary: Same, and [REDACTED] brother.

Age at enlistment: 23 years, 5 months.

Accepted for service USA RS, Fort Niagara, New York on the 19th of  
November, 1941 in grade of private by [REDACTED] Infantry, for regular  
Army (unassigned) Camp Upton, New York to service 3 years. Completed no years,  
no months, 13 days for longevity pay.

Prior Service: Selective Service 12/13th Reception Center from November  
6, 1941 to November 18, 1942. Discharged as Private. Character - excellent.  
Reason for Discharge - Convenience of the government. No. days lost time - none.  
AW 107.

Promotions: Private 11/19/41 per enlistment. AR 600-750 Corporal  
4/1/42 SO #33 Headquarters Ft. Monmouth, N. J. dated 4/2/42.


Organizations to which attached: Headquarters 1222 Reception Center  
11/19/41 to December 1941. Company "E" 15th Signal Service Regiment Fort Mon-  
mouth, N. J. from 3/3/42 to 4/10/42. Company "D" 15th Signal Service Regiment,  
Ft. Monmouth, N.J. 4/11/42 to present date.

Organizations to which assigned: Company "E" 3rd Signal Training  
Battalion, S.C.R.T.C., Ft. Monmouth, N. J. December 1941. Signal Corps School,  
Ft. Monmouth, N. J. 3/3/42.

Religion: Protestant.

[REDACTED]  
Special Agent

APPROVED

  
H. E. TIDGERMAN  
1st Lt., MI  
Post Int. Officer

RECEIVED BY MAIL  
ON 4 Aug 60  
BY USAINSCOM FOIPA  
Auth Part - 101 DOD 5200.1R

Page 2

BEST COPY AVAILABLE

24

MEMORANDUM TO OFFICER IN CHARGE

Subject: HART, Merwin E., 32200145, Company "D" 15th Signal Service  
Regiment, Fort Monmouth, New Jersey.

Re: Military Record

I

This agent reviewed the records of Company "E" 3rd Signal Training Battalion, S.C.R.T.C., Fort Monmouth, New Jersey, on this date in the company orderly room, in regard to the personnel investigation of SUBJECT, which was requested by the Post Intelligence Officer, Fort Monmouth, N. J. SUBJECT is suspected of pro-Nazi sympathies.

II

Company records show SUBJECT was assigned to Company "E" per special orders #277, paragraph 1, Headquarters S.C.R.T.C., Fort Monmouth, N. J. dated December 22, 1941. SUBJECT started basic school on that date in Section 179. Upon completion of basic training, SUBJECT was assigned to Clerks' (Supply) School. On 2/22/42 SUBJECT was reassigned to the preparatory school for Officer Candidate School.


On 3/4/42 the verbal words of the Commanding General of February 3, 1942 which detailed SUBJECT as a student at the Officer Candidate School, Signal Corps, Fort Monmouth, New Jersey, was confirmed and made of record by special order #54, paragraph 16, Headquarters S.C.R.T.C., Fort Monmouth, New Jersey.

SUBJECT left Company "E" on February 3, 1942 and was assigned to Company "D" 15th Signal Service Regiment, Fort Monmouth, New Jersey.


III

No recommendations or comment.

(b)(7)(C)

  
Special Agent

APPROVED

  
H. E. TIMBERMAN  
1st Lt., MI  
Post Intl. Officer

RECORDED UNCLASSIFIED  
ON 4 Aug 00  
BY USA/NSC/MFO/PA  
Auth Para 4-102 DOD 5200.1R

BEST COPY AVAILABLE

MEMORANDUM TO OFFICER IN CHARGE

Subject: HART, Merwin K., 32200145, Company "D" 15th Signal Service  
Regiment, Fort Monmouth, New Jersey.

Re: 201 File

I

This agent examined the 201 File in Post Headquarters, Fort Monmouth, New Jersey on this date, in regard to the personnel investigation of SUBJECT, which was requested by the Post Intelligence Officer, Ft. Monmouth, N. J. SUBJECT is suspected of pro-Nazi sympathies.

II

SO #61 dated March 6, 1942, Headquarters, Fort Monmouth, N. J. Private Merwin K. HART, having reported on March 3, 1942 for the purpose of pursuing the Officer Candidate School of the Signal Corps School, is attached to Company "H", 15th Signal Service Regiment, Ft. Monmouth, N. J., and will report to the Commanding Officer thereof accordingly. He is then detailed on special duty as a student in the Signal Corps School and will report to the Assistant Commandant for assignment to classes.

SO #85, Headquarters, Fort Monmouth, N. J. dated March 30, 1942. Private HART, Company "E", 3rd Signal Training Battalion, pursuant to authority contained in paragraph 11A, War Department Circular No. 48, dated February 19, 1942, is transferred in grade to the Signal Corps School, effective as of March 3, 1942. HART will remain attached to Company "H", 15th Signal Service Regiment and on special duty at the Signal Corps School as an Officer Candidate.

SO #88, Headquarters, Fort Monmouth, N. J. dated April 2, 1942. Pursuant to instructions contained in paragraph 22, War Department Circular dated February 19, 1942 as amended Private HART, Signal Corps School, attached to Company "H", 15th Signal Service Regiment effective April 1, 1942, is promoted to the grade of Corporal.

III

No recommendations or comment.

APPROVED

H. E. TIMMERMAN  
1st Lt., MI  
Post Intelligence Officer

Special Agent

RECORDED UNCLASSIFIED  
ON 4 Aug 00  
BY USAINSCOM FOLPA  
Auth Para -102 DOD 5200.1R

BEST COPY AVAILABLE

26  
Exhibit C

km

II-66045a

(Information contained herein is supplementary to details of CIRI report II-66045a, dated May 5, 1942, Fort Monmouth, New Jersey, and where not otherwise indicated is from that source.)

**DETAILS:**

**1. ADDRESSES:**

11/6/41 to present  
prior to 11/6/41

U. S. Army (see Military History)  
Pippin Hill, New Hartford, New York

**2. PERSONAL DATA:**

Birth: June 16, 1918 at Utica, New York (Exhibit B)

Present Age: 23

Characteristics: Brilliant, has the ability to absorb information if interested, erratic, argumentative, accepting Fascistic beliefs, and dominated by his father. (Exhibits I, H, I, J, K, and L)

**3. FAMILY DATA:**

Father, Herwin E. Hart, Sr., Pippin Hill, New Hartford, New York, member of the law firm Hart, Senior, and Nicholas, First National Bank Building, Utica, New York, president New York State Economic Council Incorporated, 905 5th Avenue, New York, New York, has made speeches condemning Democracy and generally accepted as a Fascist. (Exhibits M and N)

Brother, [REDACTED], born [REDACTED] (Exhibit A)

Subject is single and has no dependents.

(b)(7)(C)

**4. EDUCATION:**

9/15/41 - 12/22/41

Law School Cornell University, New York (Exhibit O)

9/36 - 12/22/41

Harvard University, Cambridge, Mass., A. B. Degree (Exhibits A and I)

9/34 - 6/36

Riverdale Country School, New York City, New York, graduated. (Exhibit A)

9/31 - 6/34

St. Paul's School, Concord, New Hampshire, left to attend Riverdale Country School (Exhibit A)

9/23 - 6/31

Utica Country Day School, Utica, New York (Exhibit A)

**5. EMPLOYMENT:**

(see CIRI report II-66045a, dated May 5, 1942, Fort Monmouth, New Jersey)

**6. MILITARY HISTORY:**

At present stationed at Fort Monmouth, New Jersey, Co. D, 15th Sig. Service Regiment (Exhibit I)

RECEIVED  
4 Aug 42  
BY USARMC  
Auth Par - 100 000 5200-1R

BEST COPY AVAILABLE

47



Governors Island, New York  
August 17, 1942  
II-a6045m

MEMORANDUM FOR THE OFFICER IN CHARGE

Subject: PVT. MERWIN K. HART, JR.  
ASN 32200145  
Co. D, 15th Signal Service Regiment  
Fort Monmouth, New Jersey

Re: Interview with [REDACTED] college acquaintance

I

In connection with the personnel investigation of PVT. MERWIN K. HART, JR., requested by the PIO Fort Monmouth, New Jersey, this Agent on August 13, 1942 interviewed Technical Sergeant [REDACTED] of the Provost Marshal's Office, Alien Bureau, formerly executive editor of the Harvard Crimson, at his office, 90 Church Street, New York, New York.

II

[REDACTED] stated that the Subject was generally accepted as a Fascist by the students at Harvard University, and during his four years at the university, it was generally considered that the Subject disseminated the ideas of his father, a nationally known Fascist. (b)(7)(C)

The Subject was not an intimate friend of [REDACTED] but both resided at Leveritt House and [REDACTED] was also familiar with the Subject due to the fact that the Harvard Crimson had an extensive file on the Subject and from time to time published articles concerning him.

The Subject is considered by [REDACTED] to be eccentric and while at Harvard, a good news story, however, this informant did not in any way recommend him for a position of trust or responsibility.

At one time the Subject withdrew from the accepted political organization at Harvard and endeavored to form his own group, later to be removed from this group by other members after they had an opportunity to check the Subject's actions.

[REDACTED] suggested contacting [REDACTED] whom he believed to be in a position to give more information concerning the Subject.

III

No recommendations or comment.

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 11/27/00 BY 60267NLS/CC/ [REDACTED]

439743

(Exhibit K)

[REDACTED]  
Special Agent, CIC

BEST COPY AVAILABLE 66

krs

Governors Island, New York  
August 22, 1942  
II-6045a

MEMORANDUM FOR THE OFFICER IN CHARGE

Subject: PVT. HERMAN K. HART, JR.  
ASN 32203145  
Co. D, 15th Signal Service Regiment  
Fort Monmouth, New Jersey

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 1/27/00 BY 60267NLS/ELC/L  
439743

Re: Interview with [REDACTED]  
acquaintances

I

In connection with the personnel investigation of PVT. HERMAN K. HART, JR., requested by the PIO Fort Monmouth, New Jersey, this Agent interviewed [REDACTED] Co. E, 15th Signal Service Regiment, Fort Monmouth, New Jersey, on August 14, 1942 in the PIO Fort Monmouth, New Jersey.

II

[REDACTED] lives in the same town as Subject, Utica, New York, and said that HART has lived there all his life except for four years at Harvard and when he was at school at Horace Mann School, in New York.

[REDACTED] stated that during his entire life HART has been unpopular with men, to some extent. Consequently, when he gets anybody to listen to him he will talk. Although [REDACTED] lived in the same town as HART, he hardly knew him, until about four years ago when the family gave a dance for a cousin. At this dance HART got talking to [REDACTED] about the Boy Scouts as he was very interested in them (this was about 1938.) [REDACTED] didn't see Subject again until about two years later.

In 1940 HART graduated from Harvard and that summer [REDACTED] was working for an insurance company and went to see him to sell him some insurance. HART and informant got talking about the Boy Scouts again and decided to take a trip to the Adirondacks for a weekend. (HART'S father worked for the Utica Mutual Insurance Co. and was one of the directors and charter members. His law firm was counsel for the insurance company. HART, JR. worked in the Utica Mutual Ins. Co. too) HART, JR., and [REDACTED] stayed at the Adirondacks Lodge and were alone for the whole weekend. [REDACTED] said that they discussed everything they could think of and Subject told [REDACTED] about his Harvard associations. HART told [REDACTED] that at one time he was in some sort of a Conservatives Club. He said that they had speakers to talk before the student body. [REDACTED] couldn't remember much except that HART was definitely against Russia and Communist ideas. [REDACTED] didn't take the organization very seriously. He said that HART stated the purpose of the club was to stand up for conservative principles of government. [REDACTED] didn't remember any of the names of speakers or too much about the club as he thought it was just a student organization and didn't amount to much.

(Exhibit Q)

(CONTINUED)

RECORDED UNCLASSIFIED  
ON 4 Aug 06  
BY USAINSCOM/FOIPA  
Auth Page -102 DOD 5209.1R

BEST COPY AVAILABLE

76

During this time [redacted] said that HART was not in favor of the spread of Communism in this country and would do anything to see it rejected. This was at the time of the election of Roosevelt for a third term and HART was against the Democratic Party, mainly because his family were always Republicans. However, HART was not entirely satisfied with Wilkie either and [redacted] said that Subject had such definite ideas on the subject that he must have been copying his father. [redacted] said HART didn't want a third term because he thought it was against the tradition of American liberty. Regarding the foreign policy, HART, JR. and Hart Sr. both thought we shouldn't dabble in negotiations with foreign countries but should maintain a strict defense of the hemisphere.

[redacted] never heard that Subject's father was a Fascist. Hart Sr. was a guest at a dinner or spoke at a dinner at which prominent Spanish people were guests. [redacted] knew that Subject's father mingled with these people, how much he didn't know. [redacted] didn't know definitely whether Mr. Hart had gone to Spain, but thought maybe he had because he either reviewed a book on Spain or wrote a book on Spain. [redacted] doesn't think Subject has ever been abroad. (b)(7)(D)

[redacted] knows nothing bad about HART JR. and would recommend him. [redacted] said there has never been a taint on HART'S character, reputation, or honesty in Utica, N. Y. He does not know of any political viewpoints Subject may have outside of the ones he discussed with him. His views, as [redacted] knows them, are Conservative and Isolationism. Last summer HART still thought this country would stay out of the war. The policies of Hart, Sr., according to [redacted], are that he is in sympathy with the Fascist and championed the cause here.

[redacted] heard of the investigation of HART from the Subject himself. In the last week since [redacted] has been in camp, they met for the first time in a long while. [redacted] HART, and informant went to Oleanport and had a few beers and [redacted] and HART were talking about their days at Harvard. [redacted] thought he had been stuck with the presidency of the Young Conservatives Group and that HART had used him for a front man. [redacted] just took it as a joke as he had been more or less a playboy at Harvard, according to [redacted]

Subject's spare time in Utica, N. Y. before entering the army was spent in working some nights and going out on dates with local girls. He belonged to no group or club in Utica. He tried to join the Wilkie band wagon but his services were turned down, as they did not take him seriously.

[redacted] knows of no reason to question Subject's loyalty. He wouldn't, however, recommend Subject for a job that required tact or diplomacy, but thought that he would make a good straight Army officer.

[redacted] stated that although Subject had definite opinions and was well read he didn't seem to have too much political knowledge and [redacted] doesn't think he has enough brain power to be taken seriously.

Subject realizes that his background at Harvard might have had something to do with his being put out of [redacted] and doesn't think he was relieved because of a lack of technical background. He is attending [redacted] school and thinks that if he should get in [redacted] again he could get a [redacted] because he has more technical [redacted] [redacted].

II-66245a

As to whether Subject would make a good officer, [redacted] said he would rather not have an opinion on it. He said if Subject should pass OCS he should be put in some spot in the Army where he could be kept under the eye of his superiors.

[redacted]  
Agent, CIC

(b)(7)(C)

(Exhibit Q)

RECLASSIFIED UNCLASSIFIED  
ON 4 Aug 00  
BY USAINSCOM FOL/PA  
Auth Para 4-102 DOD 5200.1R

BEST COPY AVAILABLE

Page 3

78



This memorandum was prepared by  
of the Foreign Agents Registration  
staff. It was agreed (1) to send Anti-Trust  
a copy, (2) to send a copy and ad-  
vise him we did not believe the additional  
investigation merited, and (3) to furnish the  
FBI the information contained in  
material.

RS:EL:JAN

146-7-51-519

February 15, 1944

*James R. Sharp*  
James R. Sharp, Chief  
Foreign Agents Registration Section  
War Division

**MEMORANDUM FOR MR. JAMES R. SHARP**  
**CHIEF, FOREIGN AGENTS REGISTRATION SECTION**

Re: Merwin K. Hart

Recommendations

This memorandum indicates that Merwin K. Hart has engaged in activities which might, upon further investigation, prove him to be in violation of the McCormack Act (Foreign Agents Registration Act). Furthermore, it points out that Hart has engaged in activities which may violate the Anti-Trust Law.

For the most part, the information upon which these assertions are made was given to this office by one a government witness in the trial of From 1938 to 1941 she was the confidential assistant to Hart in the office of the New York State Economic Council. While so employed she took notes and made photostatic copies of correspondence contained in the organization's file relating to the subject. We now have possession of these photostatic copies of correspondence.

As matters now stand, the case, insofar as the McCormack Act is concerned, presents these weaknesses. The material contained in our files relates to the subject's activities prior to 1941. Even were an agency relationship established, the statute of limitations presents a formidable obstacle. Moreover, although the information detailed herein clearly shows that Hart was extremely active as a Franco propagandist, there is little or no evidence at present that Hart engaged in such activities as "an agent" of the Franco Government or of any "person" who would fall within the definition of a "foreign principal." Consequently it is suggested that the Bureau be advised of the information in our files and be requested to conduct an investigation to uncover, if possible, evidence which would indicate that Hart engaged in pro-Franco propaganda activities since 1941 and that he did so as "an agent" of the Spanish Government, an agency thereof, or some other "foreign principal."

4 Aug 00  
BY [illegible]  
AUG 1 1944

79

Although the facts related herein concerning Hart's efforts to restrain the sale of "Rugg Textbooks" appear to establish a violation of the Anti-Trust Law, the statute of limitations might bar prosecutive action. In any event, it is suggested that a copy of this memorandum be forwarded to the Anti-Trust Division for their information.

### Biographical Sketch

Merwin K. Hart, corporate lawyer, writer and Congressional lobbyist, was born at Utica, New York, on June 25, 1881, and was educated at St. Paul's School of Concord, New Hampshire, and at Harvard University. He served as a member of the New York Assembly for a single term, 1907-1909. He is married and has three sons, one of whom at least has known fascist leanings. His present address is 141 East 56th Street, New York, New York. He is a member of the law firm of Hart, Senior and Nichols and was connected with a number of insurance companies. During the World War I he served in France from January 1918 to February 1919.

After the war Hart served on the New York State Committee, 1926-1929, and other State Committees and formed the New York State Economic Council, the Committee of American Private Enterprise, the American Parents Council on Education and the American Union for Nationalist Spain (Who's Who in America, 1940-41, page 1182). He frequently speaks before civil organizations and has written a number of articles, books, and pamphlets.

### Connections with New York State Economic Council

Hart, as President of the New York State Economic Council appeared frequently before Congressional committees to present his viewpoint which is consistently reactionary and anti-administration.

Some of the hearings he attended and the positions he took were:

He opposed: the O'Mahoney-Borah Corporation Licensing Bill, Senate Judiciary Committee, March 8, 1938 (N. Y. Times, March 9, 1938, p. 4); the extension of lend-lease, Senate Foreign Relations Committee, February 10, 1941 (N. Y. Times, February 11, 1941, p. 1); the St. Lawrence Seaway Project, Rivers and Harbors Committee, House of Representatives, Seventy-Seventh Congress, 1st Session, July 16, 1941; housing projects for low cost housing, New York State Assembly (N. Y. Times, March 2, 1939, p. 4); the Administration's plant siting bill, Senate Military Affairs Committee, June 30, 1941 (N. Y. Times, July 1, 1941, p. 38); the bill to permit the "Free Movement of Certain Property and Information", necessary to the Army and Navy, Committee on Ways and Means, December 9, 1942 (House of Representatives on R. R. Times, December 9, 1942, pp. 271-272).

BEST COPY AVAILABLE



He argued in favor of the Smith-Visson Bill which would have removed the forty-hour week without increase in pay rate for over-  
time, House Committee on Naval Affairs, March 27, 1942 (Congressional  
Digest, May 1942, p. 144). He testified before the Dies Committee in  
a secret session in February 1942 (N. Y. Times, February 2, 1942, p. 6)  
(Sanitized by Congressman Voorhis in telephone conversation with  
Mr. Knutson, 1/16/49).

#### The New York State Economic Council and Hart

The New York State Economic Council, 305 Fifth Avenue, New York  
City, and First Bank Building, Utica, New York, was founded in 1931.  
It purports to have the objective "to curb public spending and to pre-  
vent legislation harmful to those who live by private enterprise."  
According to Hart's statement the "New York State Economic Council is  
an organization of some twelve or fourteen hundred members of mostly  
individuals and a few corporations. Members reside in all of the 62  
counties of New York State and some of them live in other states  
(Congressional Digest, May 1942, p. 142, March 27, 1942).

The most recent list of officers of the Council contains the  
names of

Mervin K. Hart, President

Vice President  
Secretary

Secretary to the Council until at least  
1941 is mentioned in the 1941 list together with other persons who  
have no apparent connection with the subject now under discussion.  
(Bureau report made at New York City, 11/17/42, p. 3, which also con-  
tains short identifications of the officers.)

Among the organizations created by the New York State Economic  
Council the American Union for Nationalist Spain and the Committee to  
Send Anesthetics and Medicines to Spain were used in Hart's propaganda  
efforts on behalf of Franco-Spain while the American Parents Committee  
on Education was used in the Rugg textbook campaign.

In addition to these "Front" organizations distribution of the  
Council's propaganda is handled with the help of so-called "patriotic"  
organizations which by their aims and leadership are closely allied  
with Hart. Some of the more important propaganda outlets are the  
"American Coalition" under the "American Patriots"  
led by the "James Tree Associates" under  
"League for Constitutional Government" led by and similar  
groups. Domestic as well as imported propaganda themes, frequently  
strongly smacking of Fascism, are distributed through the "Front"  
organizations and the associated organizations, all over the country,  
reaching a wide section of the general public.

Among the more important sponsors of the group, according to  
are , President of Remington Rand;  
of McGann Erickson; and  
President of Otis Elevators.

Financially the Council operated on a rather large basis. In 1937 its income totaled \$54,953.78 of which \$53,311.70 consisted of receipts from the New York State Economic Council and the remainder from other sources. In 1938 the Council slumped to \$36,217.62 and other sources contributed \$4,007.18. The present financial status of the Council is not known, but should be determined as soon as possible. (F.B.I. report, New York City, 7/2/42, Agent White, attachment p. 3)

According to Informant T-12, the bank balances for Merwin E. Hart, the New York State Economic Council and the American Union for Nationalist Spain were not particularly interesting during 1940, 1941 and 1942, and the balance for the New York State Economic Council averaged \$200 for 1940 and 1941. It was specifically stated that in 1942 it reached a high of \$1,500 in January and of \$1,400 in February (Bureau report of 11/17/42, p. 9), yet Hart's salary, paid by the Council, is allegedly \$10,000 a year. In addition to the substantial salary which it is alleged is being paid to Hart, at least three clerical employees are working at the offices of the New York State Economic Council and the amounts stated in the Bureau report would not be sufficient even to cover the salaries of these employees.

In view of the fact that the regular subscriptions amount to only \$1 and are paid by 1,500 members and further that according to some evidence mentioned below the Council is subsidized by in the amount of \$4,000 a year and by other persons, among them, at least in past years, of Texaco Oil and

who allegedly contributed substantial amounts, it is believed that another account must be in existence for Hart individually or for the Council (for data pertaining to the financing of the Council, which, however, are obviously incomplete, see the aforementioned report of 11/17/42).

On the occasion of the mass meeting to honor Congressman Dies, Miss Rountree observed that a large roll of bills was passed from a representative of the Christian Front to Hart which, according to her, was a "contribution toward keeping the Dies Committee going". This was falsely entered in the New York State Economic Council books (grand jury testimony, p. 200). An unsubstantiated rumor alleges that the Associated Manufacturers of New York contribute substantially to the Council (Miss Rountree).

BEST COPY AVAILABLE

RECEIVED  
OF 4 Aug 50  
BY [illegible]  
AND [illegible]



RECORDED  
INDEXED  
4 Aug 00  
BY TAPM/STP/STP  
AUG 1 1960

DISCUSSION OF FACTS WITH REFERENCE TO TITLE 22, U.S.C.,  
SECTION 611, SECTIONS 611(e) and 611(d)

Hart's Pre-Franco Activities

Hart's speeches.

Before a meeting of the American Patriots, Inc., Hart gave a speech, "Our Position Regarding Spain", in which he advocated that the United States should recognize the Franco government (December 16, 1938. Vital Speeches, January 1, 1939, pages 187 to 189). He broadcast from Spain September 29, 1938, according to his own statements before the grand jury (printed in Spain supra). He spoke to the members of the Casa de Espana in New York at the Commodore Hotel (date uncertain "when Franco's side won", page 542, Hart's grand jury testimony in case). At the mass meeting for Americanism and Neutrality, February 19, 1939, Seventh Regiment Armory he gave a speech which was described as a "wonderful address" by (letter from to Hart, February 27, 1939).

Writings

His chief writing accomplishment, the book "America, Look at Spain", was printed and published by Kennedy & Son shortly after his return from Spain, and was announced to the public in May 1939. In its introduction, Hart acknowledges the help and cooperation of a number of Spanish high officials. It contains very outspoken pro-Franco propaganda and presumably was written to demonstrate what happens if a country permits Communism to run rampant. He also published a number of articles: In the publication of the Spanish Library of Information Spain, "Modern Housing - in the United States and in Spain", April 15 - May 1, 1939, page 44; "There is no Want in National Spain", Social Justice, January 30, 1939. He also wrote a series of articles for the New York Herald Tribune, dated October 30, 1938, November 6, and November 13, 1938, all favoring Franco's cause in Spain. (Bureau report of 11/17/42, p. 5.)

Organizational Activities

The New York State Economic Council. The New York State Economic Council, during its existence, the American Union for Nationalist Spain, and later the Committee to Send Anesthetics and Medicine to Spain, were organizations directly headed by Hart and were vehicles of pro-Franco propaganda. According to 90% of the time and energy exerted by the New York State Economic Council during the time following Hart's trip to Spain was devoted to Franco's cause. The label for the activities was "American Union for Nationalist Spain" which published several newspaper releases and a letter to Secretary Hall advocating recognition of the Franco government and protesting against lifting the arms embargo. The New York State Economic Council was instrumental in the arrangement of the

4 Aug 60  
RECEIVED  
AMERICAN UNION FOR NATIONALIST SPAIN  
Aug 1938

"American Mass Meeting" which took place on December 8, 1938, at the 7th Regimental Armory which was arranged by Hart in conjunction with and It received support from the Christian Front and various other Native Fascist groups.

American Union for Nationalist Spain (correspondence covering period from 12/28/38 to 11/29/39). The American Union for Nationalist Spain was founded by the subject in conjunction with the former Ambassador to Spain; then editor of the Atlantic Monthly; Dean of Fordham Law School; and (Hart before grand jury in Kelly case, p. 532.) Its purposes, according to Hart, were:

"Opposing the suspension of neutrality in the Spanish War, the embargo . . . . We put out statements that we thought would make clear the argument on the other side (against lifting the embargo). We sent one communication to either the Secretary of State or the President, . . . ." (Hart before the grand jury in the case, p. 531.)

Officers of the committee were:

Merwin K. Hart, Chairman  
Treasurer  
Secretary

The Union created a "Committee for a Mass Meeting for Americanism and Neutrality" which held a meeting at the 7th Regimental Armory, on which occasion the film "Spain in Arms" was shown. At the meeting a resolution was passed to keep America out of war. Hart claims that the Committee was not active after May 1939 and was wound up shortly after that. (P. 539, grand jury record.) There is contained in the Department file a copy of a carbon copy of a letter from Merwin K. Hart to dated October 24, 1939, in which he asks for his opinion regarding the dissolution of the American Union for Nationalist Spain and suggests that a new organization be created of the character of a "cultural Spanish-American organization, national in scope, for promotion of friendly relations between New Spain and the United States." There is no indication as to whether ever replied to the suggestion and whether Hart attempted to put this plan into operation.

The Bureau should be instructed to investigate this possibility thoroughly and to determine whether Hart was active in any organization which corresponds to the foregoing description or in the Case de Espagna.

There are in the files of the Unit many letters dealing with the American Union for Nationalist Spain. A set of copies of these letters was made and is being kept in a folder of papers in the Unit. The Bureau is requested to review these letters and to report on their contents.



REF ID: A66100  
4 Aug 40  
B-1  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/11/2001 BY 60320

One of the more interesting group of letters is written by  
who apparently joined the Union unswelited (letters  
dated October 28, 1938, and January 28, 1939). submitted an  
involved plan for combating Communism in collaboration with  
(photostatic copy 12/5/38). Other letters deal with the American  
mass meeting which took place at the 7th Regimental Armory. Attention  
is called to the fact that President of the Casa de  
España, was mentioned on a list dealing with the American Union for  
Nationalist Spain and that it is quite possible that he, as representa-  
tive of the Spanish Falange, may have played a greater part in it than  
is apparent from the evidence. According to his own statement Hart was,  
at least on one occasion, a speaker at the Casa de España. (Grand jury  
testimony, p. 542.)

On March 29, 1939, Merwin K. Hart as chairman of the American  
Union for Nationalist Spain cabled General Franco the congratulations  
of the Committee upon the successful termination of the war. (Release  
to newspapers, dated March 30, 1939, was widely distributed.)

As president of the New York State Economic Council he printed  
and distributed "An Open Letter to the Acting Secretary of State of  
the United States opposing the lifting of the Arms Embargo (original  
leaflet in file, was mailed to Senators and public.) Note here that  
functions of the New York State Economic Council and American Union  
for Nationalist Spain are merged not only in fact, but also in Hart's  
mind since he mentions this letter as one of the activities of the  
Union. (Grand jury testimony, p. 531.)

Committee to Send Anesthetics to Spain (correspondence cover-  
ing period from 1940 to beginning of 1941) was created presumably as  
a purely charitable non-partisan group. Among the contributors,  
known to the Unit are \$500 by Texas Oil Co., per \$250,  
International Tel. & Tel.; \$1000, International Bus. Mach.; \$250,  
Armstrong Cork Co. (Photostatic copy of accounting by Hammond,  
6/2/40.)

At one time doubt was cast on the truth of the claim that the  
Committee distributed its benefits equally to both sides of the Civil  
War. An investigation did not result in substantiation of the accusa-  
tions, but the following statement made by Hart in reply to allega-  
tions appearing in the press gives weight to them:

"May I say, too, that we have had advice since then  
to the effect that food that was seized by Franco's troops  
was taken without authority; that the Spanish authorities  
have notified the Friends that the food taken would be  
restored; and that a part of it has already been restored.  
In other words, it is feared that what had happened was  
the act of irresponsible persons." (Bureau report made at  
New York, 7/2/42, Agent White.)

This statement lends some weight to the accusations and merely is a promise to adjust the situation brought to light by unfavorable publicity. (Contradictory testimony before the grand jury by p. 269, and p. 349.)

#### The Film "Spain in Arms"

Hart's connection with the film "Spain in Arms" is not evident from the information presently available. The film was shown at the above-mentioned Mass Meeting at the 7th Regimental Armory. Hart himself denies intimate knowledge of the mechanics connected with the showing of the film (see grand jury testimony, p. 535). Contrary to the ignorance professed by him, one of the witnesses in the case, who appeared reliable, alleged that of all the people active on behalf of Franco, Hart knew most about the film. (Conversation with writer of this memo.)

#### The Question of "Agency"

In view of the fact that Hart's activities followed a consistent "line" and were intensive, it is quite possible that he was "controlled and directed" from abroad. Direction may possibly have originated with who, during the climax of Hart's activities, was chief of the Spanish Service of Press. Hart met on the occasion of his trip to Spain in 1938. This is substantiated by his memorandum to There he also reported on his activities during this trip and related that he offered his service to for a broadcast from Spain, that his offer was accepted and that subsequently he broadcast from Malaga on September 29, 1938. (Reprint in magazine Spain, October 15, 1938, p. 1.) According to a News Article which appeared in the New York Herald Tribune on October 12, 1938, Hart was interviewed while in Spain on September 25, 1938, by General Count De Francesco Gomes, Minister of Foreign Affairs and Vice President of the Council of Ministers of the Franco government in Burgos, Spain. On that occasion he is reported to have said that "mediation" is possible in the Spanish War. (Bureau report 11/17/42, Agent Lawrence, p. 5.)

Among the correspondence, copies of which we have, are two letters from to Hart, dated September 27, 1938, and October 24, 1938. The letters indicate a friendly relationship and refer to previous meetings; one of them enclosed photographs selected by Hart from the archives while in Spain. It is possible that direction for action was not given to Hart by written instructions, but that served as intermediary.

At present there is no evidence available that Hart was paid for his activities on behalf of the Spanish government. His activities may have been motivated by a desire to enhance his social standing and importance and necessary funds may have been provided by persons in the United States who were interested in Franco's victory. (See grand jury testimony in U. S. v. p. 222/223.) Those persons, however, probably did not direct or control Hart in his pro-



France activities, but merely invested some money in the conduct of political propaganda on behalf of a foreign government because they considered the prevailing form of that government advantageous to their political and economic interests.

The foregoing facts make it advisable in my opinion to investigate any possible leads which might establish direction or control of Hart by the government of France-Spain or any of its agents or officials.

According to Informant T-6 under date of September 22, 1942, Hart's name appeared on a list of purported members of the Spanish Falange (list was received from confidential source) (Bureau report, 11/17/42, p. 7).

Summing up the indications now available of Hart's direction by the Spanish government, it consists of:

1. Correspondence between Hart and . Although that correspondence does not contain directions, it does indicate friendly relations (summarized in Exhibit A).

2. Correspondence between Hart and . That correspondence does contain indications of collaboration between the two. Some of it contains directions or praise given by to Hart. Others contain suggestions from Hart to (summarized in Exhibit A).

3. Witnesses can testify to the fact that and Hart were in frequent contact with each other.

4. testified before the grand jury that the office file contained a very large volume of correspondence between Hart and Spanish government officials in Spain. He sent them, I believe, samples of publicity which he made public here from information received in that country. (See page 270 grand jury testimony.)

5. At the time of the discussion of the arms embargo question the American Union for Nationalist Spain issued a form letter which was mailed to thousands of individuals and signed by That individual is known to the Department as a leading member of the Falange in New York and significance should be attached to his participating in the activities of the "Union". (See grand jury testimony, p. 206. The original form letter, unaddressed, is in our files.)

#### Hart's Income

It is known that Hart was well-to-do and it is believed that he received \$10,000 a year as a salary from the New York State Economic Council (grand jury testimony of in the case, p. 199). The cashbook of the Spanish Library of Information was examined, but does not reveal payments made to either Hart or the New York State Economic Council.

DECLASSIFIED  
4 Aug 60  
BY SP-1 M. J. P. / J. P. / J. P.  
AUG 10 1960

BEST COPY AVAILABLE

87

As to payments which were made by the New York State Economic Council, it must be kept in mind that as a matter of fact Hart was the New York State Economic Council and that except for expenses incurred by the Council in his propaganda activities contributions made were meant for Hart personally. It is known that made a regular contribution of four or five thousand dollars a year the first of each year (see grand jury testimony, pp. 222, 223. Also photostatic copy of letter by transmitting \$4,000, 1/2/41, also letter by 1/10/39). Other large scale contributors according to were and other industrialists.

List of witnesses who can furnish information  
relating to Hart's Spanish activities

The following list of witnesses, although by no means complete, should furnish leads to a thorough investigation of Hart's activities. Many of the witnesses associated or collaborated with Hart and probably will be hostile to the Government, yet, due to the fact that they have intimate knowledge of Hart's activities, may be able to furnish valuable information.

1. \_\_\_\_\_ recently convicted agent of the Spanish Library of Information, closely collaborated with Hart in various activities on behalf of Franco for the period from July 1938 to, at least, the middle of 1939. Presumably due to personal differences, the collaboration ceased at that date but it is well possible that \_\_\_\_\_ has knowledge of Hart's activities beyond that date (as to \_\_\_\_\_ and Hart's relations so far as they are admitted by Hart, see Hart before the grand jury, p. 519 following).
2. \_\_\_\_\_ Hart's confidential assistant at the office of the New York State Economic Council for the period from December 1938 to sometime in 1941, is a witness friendly to the Government who can furnish considerable information, has furnished most of the material for this memorandum and was a good witness for the Government in the \_\_\_\_\_ case.
3. \_\_\_\_\_ Hart's one-time private secretary at the New York State Economic Council. Although she is not hostile to the Government, she is worried about getting involved in publicity and, therefore, reluctant to volunteer information, but is, presumably, truthful in her reply to direct questions. She should have considerable heretofore untapped knowledge of Hart's activities.
4. \_\_\_\_\_, switchboard operator in the New York State Economic Council offices over the period from 1940 to 1941. Before she came to this country she was correspondent for AP, transmitting Spanish government propaganda to this country and before that she was secretary to the Spanish Minister of Propaganda. She was active on behalf of the "Committee to Send Knowledge and Medicines to Spain". She resigned her position to marry \_\_\_\_\_.

WAC

4 Aug 00  
UNCLASSIFIED  
DATE 8/1/00 BY SP200/...

BEST COPY AVAILABLE

88



and although her married name is not known it is believed that she can be located without difficulty by the Bureau. It is likely that she would prove an unfriendly witness but she undoubtedly has considerable information on the subject when she met in Spain.

5. \_\_\_\_\_, long-time confidential secretary to \_\_\_\_\_, Spanish Library of Information. She should know all about Hart's contacts with the Spanish Library and possibly with \_\_\_\_\_ and other Spaniards in New York City. She is believed to be a witness friendly to the Government.

6. \_\_\_\_\_, editor of \_\_\_\_\_, who was called before the grand jury in the \_\_\_\_\_ case. He himself was very active on behalf of Franco-Spain and sympathizes with other persons who were similarly engaged. He is a difficult witness who will not volunteer any information. Before the \_\_\_\_\_ grand jury he frequently was evasive in his answers.

7. \_\_\_\_\_, meteorologist from the \_\_\_\_\_ incident, contributed \$500 as manager of the Texas Oil Company after conversation on the subject with Hart to the "Committee to Send Anesthetics and Medicines to Spain" (Photostatic copy of letter by Hart and of accounting). There is testimony that he is one of the financial backbones of the New York State Economic Council before the grand jury, p. 223), also that he was very active on behalf of Franco not only in this country, but in Spain and that through his efforts Texaco oil and gas was furnished to the Franco side in the Civil War in great abundance and that in recognition of that fact, Spain later started to purchase all her gas and oil supplies from Texaco (see articles written on this individual in Life, July 1, 1940; Business Week, August 17, 1940, p. 44).

8. \_\_\_\_\_, author of the "Red Network", personal friend of Hart who, according to \_\_\_\_\_, met \_\_\_\_\_ in Spain during the Civil War by arrangement made by Hart. (Grand jury testimony, p. 164.)

9. \_\_\_\_\_ (letter to Hart accepting membership on Committee of American Union for Nationalist Spain dated 1/11/39), professor at Mount St. Mary's College, Emmittsburg, Maryland, known pre-Franco sympathizer and active in other Native Fascist groups.

10. \_\_\_\_\_, New Haven, Connecticut, author of a counter-Communist propaganda plan, covering the entire United States (Photostatic copy of letter setting out "plan" in files of Unit).

11. \_\_\_\_\_ (letter to Hart accepting membership on the Committee dated 1/25/39), Department of Germanic Languages, Stanford University, whose name recently came up in connection with \_\_\_\_\_ activities.

BEST COPY AVAILABLE

89

4 Aug 00  
Aug 2 1942  
D-20017

12. \_\_\_\_\_ (letter to the distributors of Social Justice Magazine dated 2/15/39 giving instructions for publicity of mass meeting) was in charge of Eastern distribution of the Social Justice Magazine and one of the founders of the "Christian Front".

13. \_\_\_\_\_, very active in the American Union for Nationalist Spain as well as in other activities, well known muralist, was interviewed twice by the Bureau in connection with the case and has merely very vague recollections regarding the occurrences pertaining to pro-Franco propaganda. It is doubtful that she would be willing to furnish good information.

14. \_\_\_\_\_ Head of "American Women Against Communism", a Native Fascist group which was very active on behalf of Franco and closely connected with \_\_\_\_\_ and Hart. The Department file contains a printed invitation of a meeting of the American Immigration Conference Board, presiding, \_\_\_\_\_ chairman of the meeting, \_\_\_\_\_ subject "Believe It or Not" (against immigration into the country), December 8, 1938. She and \_\_\_\_\_ sponsored a meeting in honor of General George Van Horn Moseley on December 16, 1938, at the Hotel Biltmore, New York City, together with \_\_\_\_\_ and others. (New Leader, March 7, 1942).

15. \_\_\_\_\_ has some office in the New York State Economic Council and must have a comprehensive knowledge of Hart's activities. According to \_\_\_\_\_ he is not too bright and was mainly used for his social virtues. It is doubtful that he would make a good or willing witness, but he should be interviewed.

MISCELLANEOUS CONNECTIONS

Congressman Dies. Materials available show a close connection between Hart and Congressman Dies. On December 8, 1938, a luncheon was given in honor of Congressman Dies at the Biltmore Hotel at which time Hart presided and introduced Dies. Among the guests at the luncheon were \_\_\_\_\_, German Bund leader, and \_\_\_\_\_ Bund secretary. (Bureau report, 11/17/42, p. 5, and printed program of luncheon mentioning among those who had reservations and guests.) On February 14, 1939, Dies wrote to Hart regarding a check for \$200 which was given to him after the meeting and which covered Dies expenses. He stated "I am now computing what my actual expenses were and I shall send you a check soon for the same." According to \_\_\_\_\_ knowledge this check was never received.

Whenever a new appropriation for the Dies Committee had to be made the New York State Economic Council vigorously campaigned on its behalf together with the other "patriotic societies", as, for instance, \_\_\_\_\_ of the League for Constitutional Government; \_\_\_\_\_ of the American Constitution (see letter from New York State Economic Council to \_\_\_\_\_ for \_\_\_\_\_ to get this committee \_\_\_\_\_ is part of 2/20/39, \_\_\_\_\_)

1000



4 Aug 40  
CLASSIFIED  
POL/PA  
100-107520-534513

petition to be circulated to all persons who attended the luncheon for Dies, Hart's memorandum relating to his trip to Washington).

Hart was chairman of the Dies Mass Rally in Madison Square Garden in December 1939 where he opened the meeting attended by ten to twelve thousand persons and the subject of which was to keep the United States out of European matters. (Bureau report 11/17/42, p. 5.)

American Coalition, according to [redacted], an association of numerous patriotic societies, through [redacted] a close associate of Hart, and [redacted] collaborated with the New York State Economic Council on many different occasions. There are available a number of photostatic copies of letters written from the American Coalition and usually signed by [redacted] to Hart, all of which deal with propaganda activities on issues equally close to the New York State Economic Council and the American Coalition.

Usually [redacted] asks Hart for new material which is to be distributed through the American Coalition (letters of 4/25/39, 12/16/39, 4/10, 11/9/40 and others - similar letters were written by [redacted] 12/10/38, 1/20/40). The language used by [redacted] in all these letters is significant since indicative of surreptitiousness. She says: "We will distribute the advertising folders with discretion . . . ." (4/25/39). "The shipment arrived safely and is appreciated very much. Will try to prove it by placing where they will do good coming and going." (4/10 foregoing is text of complete letter) "We shall 'plant' them (pamphlets) in fruitful spots." (11/9/40)

America First. Hart was active and sympathized with America First and as a matter of fact suggested that a branch of that organization should be organized in the office of the New York State Economic Council. However, he was advised by [redacted], Director of that organization, that "I have come to the conclusion that it would be a mistake. The paramount objection is that your organization has been identified with a certain point of view and our chapter of the America First Committee would immediately have a similar label to it." (Photostatic copy 9/30/40). The letter suggests, however, close cooperation which, as is evident from later correspondence, took place. In addition to America First correspondence, one letter by Charles A. Lindberg and one by [redacted] are among the materials.

Hart engaged in the exchange of letters with [redacted] who is now in Germany and who was indicted for treason. The correspondence which took place toward the end of 1938 and into the middle of 1939 indicates that Hart and [redacted] were at least good friends and possibly collaborators. That is also documented by a letter written by Hart to Kennedy & Sons, his publisher for "America Look at Spain" (6/30/39), introducing [redacted] and indicating that [redacted] was interested in introducing the book in Spain with the aid of the Spanish Consul in New York. Hart is mentioned as a close associate of a number of Falangists by Stone (Falange: The Axis Secret Army in the Americas, Ch. 10. Falange in the United States, p. 217).

The connection between Merwin K. Hart and [redacted] was close during 1938 and 1939, but since the facts relative thereto are known to the Department they need not be discussed in detail at this point.

Miscellaneous. Hart, together with [redacted] Executive Secretary of the American Committee Regarding Japanese Aggression, was active in organizing the society of Peter the Great (White Russians), the Irish American Friends for Indian Independence, the Indian Independence League, and the American Committee for Non-participation in Japanese Aggression. (Bureau report of 11/17/42, p. 6.) This geographically far-flung interest in nationalist groups is evident from Gladys Bountree's testimony before the [redacted] grand jury where a world-wide Fascist movement is described on pages 138 to 143 of the record, which is supervised by [redacted], resident of South Africa, and for which Hart's office is the North American clearing house.

Among the materials offered in evidence by [redacted] were an issue of the Program and Regulations of the Canadian Nationalist Party, which was styled similarly to that of the German National Socialist Party and a copy of an "Integrated Program of Social Order" published by the "Committee on Social Order of the Jesuit Provinces of the United States, Canada and Mexico." (Both these documents were taken from Hart's office files.)

#### DISCUSSION OF FACTS ESTABLISHING POSSIBLE VIOLATION OF THE ANTI-TRUST LAWS

Starting in 1939 Merwin K. Hart engaged in activities which may have involved a conspiracy to restrain trade in violation of Title 15, Section 2 in that he conspired with a group of other persons, to-wit: The Advertising Federation of America, to keep a certain set of school books called "Rugg Textbooks" off the market. In contemplating prosecution under the Anti-Trust Provisions of the Federal Code it must be kept in mind that this conspiracy to restrain trade, although not running into high figures, is extremely pernicious in that freedom of speech and various ideological motives are used to obtain a commercial advantage. If, as is evident from the incomplete material on hand, Hart can be "bought" to use his "prestige" as a "civic leader" to interfere with the educational system for the benefit of a group of advertisers and if the only law which can be used to prevent such activity is the Anti-Trust law, it then should be used.

The purpose and aim of the conspiracy seems to have been to induce all the educational systems in the United States to drop the Rugg Textbooks from their programs. Whether any persons or groups in addition to the ones aforementioned collaborated in the conspiracy is not apparent from the material now on hand, but undoubtedly would become evident in the course of the proceedings. Even the substance, which clearly implicates the Advertising Federation of America, are [redacted].

SP-100-100000-100000  
4 Aug 50  
JUL 10 1950  
FBI - NEW YORK  
RECEIVED



### The Structure of the Advertising Federation of America

The Advertising Federation of America, according to a letterhead in the files of the Unit, is located at 330 West 42nd Street, New York, New York, telephone Bryant 9-0430. Its president is

Advertising Manager, the Christian Science Monitor, Boston, Director of Research and Education: (for names of other Directors see Exhibit C).

The agency was established and at present has 25,000 members. There are 12 national and 55 local associations in the Federation. The following activities are engaged in by the organization: Conferences, conventions, current bulletins, miscellaneous information services, governmental relations, public and consumer relations, commercial research, original compilation of statistics, re-publication of statistics, trade practices and business ethics, exhibitions. (Department of Commerce Monograph entitled "Trade and Professional Associations of the United States", 1942, p. 17.)

It may or may not be a coincidence that a member of the board of directors of this organization was, at the time of the textbook campaign, Director of Advertising, E. I. du Pont de Nemours and Company, Wilmington, Delaware, and that one of the chief backers of the New York State Economic Council is

The correspondence with regard to the textbook campaign on the part of the Advertising Federation of America was handled by Director of its Bureau of Research and Education.

At one time the writer saw the photostatic copy of a letter written by the Advertising Federation of America to Merwin K. Hart which suggested that the Rugg textbooks should be eliminated because of their anti-advertising attitude. This letter could not be located later and it is believed that for some reason of her own did not wish to furnish the letter.

### The Method Used by the Council to Fight the Rugg Textbooks

There are 29 photostatic copies of letters in our possession dealing with this matter.\* It seems that the textbook campaign was conducted in a scientific and systematic fashion. From perusal of the correspondence in the matter it is apparent that the two driving forces were Merwin K. Hart and the Advertising Federation of America by secretary.

\* There are attached as Exhibits D and E a set of instructions for methods of campaigning issued by the American Parents Committee and a copy of a leaflet which was distributed.

BEST COPY AVAILABLE

4 aug 00

The Rugg textbooks, according to statements made by Merwin K. Hart himself, were at the outset of the campaign used in more than 4,000 school districts all over the United States. (Letter by

Rugg's competitor, to Hart, of 5/13/40.) They used the "liberal, sociological" approach and contained statements of the character that advertising was not always beneficial to the national economy but frequently induced consumers to buy merchandise which they do not need rather than the necessities of life. The Advertising Federation considered this "anti-advertising propaganda" (confidential memorandum written by [redacted] to the Directors of the Advertising Federation of America, 4/4/40). (Exhibit F contains an abstract from "Treason in the Textbooks" by [redacted] reprint from the American Legion Magazine which shows the emphasis placed by the opponents of the books on its advertising views.)

#### The American Parents Committee on Education

The correspondence reveals the technique and the results of the campaign against the books. It was conducted mostly through the media of patriotic organizations and parent-teacher associations. Originally campaign headquarters were at the New York State Economic Council, but the American Parents Committee on Education was

"created because the correspondence from all over the country to Mr. Merwin K. Hart, President, N.Y.S.E.C., got so heavy that this special unit had to be set up to handle it and to sort of act as clearing house of information." (Letter from American Parents Committee on Education to J. D. Ford Sales Company, 7/1/40.)

Another reason for the creation of the American Parents Committee on Education was that the New York State Economic Council had been previously identified with Native Fascist or reactionary activities. (Letter of 3/22/40, from [redacted] who was extremely active in the matter, but feels that "the strength of this movement is enhanced if it can be organized by committees of citizens who are acting solely as parents.") The campaign was carried to the American Legion and particularly [redacted], director of the National Americanism Commission, from whom five letters are in possession of the Unit. He must have been contacted some time during May 1940 since he acknowledged the receipt of a report from the American Parents Committee on Education in a letter dated May 31, 1940 (American Legion File 2753-27), he asks to be informed of developments. After that letters were frequently exchanged regarding the campaign and the potentiality of introducing a resolution against the textbooks at an American Legion convention, acknowledgment of and payment for literature to be used against the Rugg textbooks and discussion of the best way of "selling" the anti-Rugg idea to the American Legion (letter from [redacted] to Hart July 26, 1940. Some of the letters in this matter are signed by Merwin K. Hart, others by [redacted] Secretary of the Committee.)



The argument used against the use of the textbooks in the schools was that they were communistic. The attitude against advertising was stressed merely incidentally and was characterized as "un-American" and another subversive attack on American institutions (see also Exhibit I). A photostatic copy of a typed letter by an unidentified writer, probably a representative of the Advertising Federation of America in Washington, D. C., who can be identified by to relates that the Dies Committee, greatly due to efforts of "our representatives" has authorized a textbook investigation for the purpose of

"exposing Fascist, Communist and other alien influences which are reflected in highschool and college textbooks; the investigation will point out unsupported attacks on advertising and other elements of the American system, particularly when the authors have had any 'subversive' affiliations . . . .

. . . . emphasized again that any report from you concerning resolutions or other actions by civil groups with respect to the Rugg textbooks would be extremely helpful." (Underlining supplied.)

The close connection of the textbook investigation with the advertising group is again apparent from the confidential memorandum by to the Directors of the Advertising Federation of America dated April 4, 1940 (copy is attached as Exhibit G).

The regular procedure for interesting civic groups was to direct inquiries by mail to persons, active in school matters, as, for instance, members of school boards or officers of parent-teacher associations and civic groups, as to whether their schools carried Rugg textbooks, whether they themselves were satisfied with the books and whether they would like information pertaining to the subversive character of the textbooks.

Among the letters in our possession are replies to such contact letters which were chosen from the bulk because they divulged the type of appeal made as well as the characteristics of the recipients of the appeals. Replies were received from editor of a German language paper in New York;

Germania Civic Association; D.A.B., National Society of the Daughters of the Barons of Kunguade, and Ford Sales Co., Michigan, all of which were active against the textbooks. At least three letters reported the discontinuance of the use of the textbooks in their respective school districts due to the efforts of Hart's organization. One letter from a competitor to Rugg's textbooks, although innocuous, makes some suggestions as to the "proper technique" which should be used in the campaign.

BEST COPY AVAILABLE

4 Aug 60

Besides distributing propaganda and contacting various persons potentially influential in the campaign, Hart engaged in a number of speaking activities before organizations as well as over the radio. The general campaign was publicly launched in a conference which was called by the New York State Economic Council for February 5, 1940, and was to discuss quality and cost of public education from the point of view of the taxpayer (Economic Council letter of 2/1/40, p. 3). The following Economic Council letter reported the meeting as a success although all the educators invited, among them refused to speak. A resolution was introduced to lower the cost of education (Economic Council letter of 2/15/40). Some statements made in letters indicated that Hart spoke on the textbook question frequently, but it will be necessary to investigate further Hart's speeches as well as his broadcasting.

Another means of harassing and impeding the use of Rugg textbooks was the investigation through the Dies Committee with which, as was pointed out, Hart was friendly.

Although the correspondence dealing with the matter is by no means complete it leads to the conclusion that the campaign was promoted by Hart in conjunction with certain advertising interests and that although some bona fide patriotic societies which participated were probably sincere in their desire to oust the textbooks because of alleged communism, the true motive behind the campaign and undoubtedly its financial background was furnished by advertising interests. The fact that our materials only date to the end of 1940 is not necessarily an indication that that is the end of the campaign, but only that our "informant" ceased to collect information in the matter.

Even though only four letters were available (one now missing) which link this campaign to the Advertising Federation of America (copies are attached as Exhibits G, H, I) they are sufficient to show the important part played by the Advertising Federation in this campaign.

The American Coalition, and aided in the campaign by distributing propaganda in its behalf (letter from Anderson to American Coalition of 8/24/40 and numerous others).

List of witnesses who can furnish information  
relating to the Rugg textbook campaign

The following list of witnesses although not complete should furnish sufficient leads not only for further investigation, but even for prosecution:

1. who has been associated with the New York State Economic Council at least since 1939 and who apparently is still connected with it. He is mentioned among the witnesses in the first part of this memorandum.

4 Aug 60  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED



2. \_\_\_\_\_, secretary of the American Parents Committee for Education, has been as active in the Rugg textbook campaign as was Hart himself. He should be familiar with the entire campaign. Nothing is known as to his attitude toward the Government.
3. \_\_\_\_\_, according to \_\_\_\_\_, now in charge of publicity for the U.S.O. in New York, was hired by Hart shortly before the Miss Mass meeting and was kept to write unfavorable statements against the Rugg textbooks. According to \_\_\_\_\_ he would be a good witness and hostile to Hart.
4. \_\_\_\_\_, who furnished all of the material which is the basis for the foregoing report, can testify to most of the aspects of the campaign which is mentioned by her in the grand jury testimony, p. 176. She can also give considerable information regarding the attitude and character of some of the witnesses in this case.
5. \_\_\_\_\_, Columbia University, author of the books attacked by the New York State Economic Council. Although he probably knows little about the "inside" story, he probably has done some investigation of his own and ought at least to be interviewed.
6. \_\_\_\_\_ Hart's private secretary, mentioned on page 10 of this memorandum.
7. \_\_\_\_\_ Advertising Federation of America, who undoubtedly next to Hart, is the person most familiar with the facts of the campaign, but presumably would be co-defendant in the conspiracy.
8. \_\_\_\_\_ Director of the National Americanism Committee of the American Legion (American Legion file 2753-27 should be subpoenaed), would probably be a hostile witness, but knows much about the campaign.
- 9, 10. \_\_\_\_\_ and \_\_\_\_\_ both officers of the American Coalition and friendly to Hart, were very active in the campaign, would probably be hostile to the Government. The American Coalition, as pointed out before, is a roof society for approximately 100 patriotic groups.
11. \_\_\_\_\_ was not only active in the Spanish activities, but also in this textbook campaign and although she probably will be rather vague (see statement under witnesses re Hart's Spanish activities), she should be interviewed.
12. \_\_\_\_\_ head of the group "American Women Against Communism" mentioned before, should be interviewed regarding the campaign inasmuch as the mailing list of the "American Women Against Communism" was used by the New York State Economic Council for purposes of propaganda distribution.

BEST COPY AVAILABLE

4 Aug 50

97



After having started with the foregoing list of witnesses additional information may be gained by contacting members of school boards and other educational and civic groups who were contacted by the Council and who would be able to furnish information relating to the approach used by the Council and the type of propaganda distributed by it.

#### CONCLUSION

The enumeration of the foregoing activities shows that Hart is an influence on the domestic politics in this country. He often is backed by very influential, reactionary and well financed forces on whose behalf his influence is exerted. On the basis of incomplete materials covering only a limited period of time, it may be possible to show violation of the McCormack Act and the Anti-Trust Provisions. I therefore recommend that the Bureau be requested to expeditiously conduct further investigation to obtain additional evidence as to the agency relationship and the continuance of activities by Hart within the period of the Statute of Limitations.

There is attached in conformity with this suggestion a memorandum to the Bureau requesting the additional investigation believed necessary.

4 Aug 50  
AUG 1950 - 101 500 525000

BEST COPY AVAILABLE

98

EXHIBIT B

Statute Applicable. The provisions of the Foreign Agents Registration Act of 1938 (and the 1939 amendment) are incorporated in Title 22, United States Code, Section 611, following. The pertinent parts of the statute are set out here: (underscoring always supplied)

Sec. 611. "(c) The term 'foreign principal' includes the government of a foreign country, a political party of a foreign country, a person domiciled abroad, any foreign business, partnership, association, corporation, or political organization, or a domestic organization subsidized directly or indirectly in whole or in part by any of the entities described herein:

"(d) The term 'agent of a foreign principal' means any person who acts or engages or agrees to act as a public-relations counsel, publicity agent, or as agent, servant, representative, or attorney for a foreign principal, and shall include any person who receives compensation from or is under the direction of a foreign principal \* \* \*

Exemption:

"(e) any person engaged only in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts."

\* \* \*

"Sec. 612 Every person who is now an agent of a foreign principal shall, within thirty days after this Act takes effect, and every person who shall hereafter become an agent of a foreign principal shall forthwith file with the Secretary a registration statement, under oath, on a form prescribed by the Secretary which shall set forth - \* \* \*

\* \* \*

"Sec. 615 Any person who wilfully fails to file any statement required to be filed under this Act, or in complying with the provisions of this Act, makes a false statement of a material fact, or wilfully omits to state any material fact required to be stated therein shall, on conviction thereof, be punished by a fine of not more than \$1,000 or imprisonment for not more than two years, or both."

4 Aug 60

99  
BEST COPY AVAILABLE

The State Department charged with the administration of the Act promulgated certain definitions which, since they are administrative regulations, should be regarded as at least persuasive authority in the interpretation of the terms of the statute and are hereby set out:

"(14) The term public-relations agent means any person who directly or indirectly informs, advises, or in any other way represents a principal in any matters pertaining to political interests or public relations or public policy. Provided, however, That this term shall not be held to apply to any person by reason of his being engaged in bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts, nor to any person performing only private, nonpolitical, financial, mercantile, or other activities in furtherance of bona fide trade or commerce as such terms are defined in these regulations.

"(15) The term publicity agent means any person who is directly or indirectly engaged in the placing or disseminating within the United States of oral, written, or pictorial information or matter of any kind for publication in any manner, including publication through advertising, books, periodicals, newspapers, lectures, broadcasts, moving-picture showings, or otherwise; Provided, however, That this term shall not be held to apply to any person by reason of his being engaged in the dissemination of material, information, or ideas in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts, nor to any person performing only private, nonpolitical, financial, mercantile or other activities in furtherance of bona fide trade or commerce as such terms are defined in these regulations.

\*\*\*

"(16) The term nonpolitical activities in furtherance of bona fide trade or commerce means such activities as are religious, educational, professional, scientific, or related to the fine arts, which do not in any essential respect relate to the establishment or conduct of a government or relations between one government and another.

BEST COPY AVAILABLE

100

4 Aug 00



Statute applicable. Title 15 U.S.C., paragraph 2, provides:

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both, said punishments in the discretion of the court. (July 2, 1890, ch. 647, § 2, 26 Stat. 209)

4 Aug 60

BEST COPY AVAILABLE

101

Statute applicable. Title 18 U.S.C., Sec. 238 provides:

Whoever, in relation to any dispute or controversy between a foreign government and the United States, shall willfully and knowingly make any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, to the injury of the United States, or with a view or intent to influence any measure or action by the Government of the United States, or any branch thereof, to the injury of the United States, shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$5,000. (June 15, 1917, ch. 30, title VIII, § 2, 40 Stat. 226; Mar. 28, 1940, ch. 72, § 6, 54 Stat. 80.)

BEST COPY AVAILABLE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4 Aug 00  
BY 60320  
AUTHORITY 28 CFR 1.552

102

Advertising Federation of America

Officers

President:	Advertising Manager, The Christian Science Monitor, Boston
Vice-President:	New England Electrotape Company, Boston
Vice-President:	Vice-Pres. National Broadcasting Company, Hollywood
Vice-President:	D. & E. Advertising Company, San Antonio
Vice-President:	Consumer Relations, The Horden Co., Chicago
Secretary:	President, Advertising Letter Service, Detroit
Treasurer:	Vice-Pres., The Crowell-Collier Publishing Co., New York

Directors

Chairman:	Vice-Chairman of the Board, McGraw-Hill Publishing Co., New York
	President, Faller & Smith & Ross, Inc., Cleveland
	President, Meredith Publishing Company, Des Moines
	Vice-President, Station WGB, New York
	Director of Public Relations, United Advertising Corp., Newark
	The Ohio State University, Columbus
	Vice-President, A. H. Belo Corporation, Dallas
	Director of Public Relations, General Motors Corporation, New York
	Director, Advertising and Publicity, E. F. Goodrich Co., Akron
	Director of Advertising, E. I. duPont de Nemours & Company, Wilmington
	Vice-President, Campbell-Ewald Company, Detroit
	Member, Executive Board, The Sun, New York
	President, Foster & Kleiser Co., San Francisco
	Young & Rubicam, Inc., Chicago
	Asst. Vice-President, Consolidated Edison Co. of New York, Inc.
	Vice-President, Gardner Advertising Company, St. Louis
	Advertising Manager, Retail Credit Co., Atlanta, Ga.
	Publisher, Automotive News, Detroit
	Attorney-at-Law, New York
General Counsel:	
General Manager:	
Director, Bureau of Research and Education:	

4 Aug 60

BEST COPY AVAILABLE

108



This method of approach to, and of securing action on, the problem of relieving the public schools of textbooks which teach un-American doctrines - as outlined in the "What To Do" suggested course of action (issued by the American Parents Committee on Education) is based upon experience in exposing and rooting out subversive activities.

The job is one which only a local group can do. Such group must rely for action upon its own findings and be equipped with knowledge of the books and the matter at hand in order to meet and effect the carefully guided resistance they will usually, meet from members of a board of education and from professional teachers.

First - get the series of social science textbooks and assign each one to a member of your local group to read it carefully, to annotate it and to make a report on same.

Second - when fortified with the facts, (plus a resolution by your small, local committee condemning the purchase and use of such textbooks in public schools) interview the members of the "Book Committee" of the local Board of Education. "Lean backwards" to avoid putting them and the entire Board of Education on the defensive. Submit the facts and ask them to be carefully satisfy themselves as to whether they want textbooks which support or condemn the American way of life. Give them, under gentle guidance from your committee, every chance to take action on existing destructive textbooks.

Third - in the event that the Board of Education is found to be sympathetic with the Reg. economic point of view it will then become necessary to take the entire problem to the people for a hearing and for expression of their desire regarding it.

\* \* \* \* \*

All of your efforts and discussions should be kept as quiet as possible throughout "stages" "first" and "second" as above. Do not resort to any publicity until the proper officials have refused to act upon your findings. Would suggest that the resolution of your committee which has condemned the textbooks be withheld until your publicity campaign is resorted to. It is all right to mention that a resolution has been passed but avoid using it as a leverage during "stage" "second", as above.

\* \* \* \* \*

The above are merely comments - ideas based upon experience and submitted only as experience. Where some such procedure has been followed quick "behind the scenes" results have occurred. In several instances the professional educators and boards of education members have decided to discard destructive textbooks when they were "exposed" to an intended publicity campaign on the matter; that is, the plans for news releases, with copies thereof, public meeting scheduled, plan and lay out of hand bills, lists of speakers etc. were submitted as "a plan under consideration". No publicity secured - results were secured - and everyone remained "friends".

Submitted by -

American Parents Committee on Education,  
205 Fifth Avenue,  
New York, N. Y.

BEST COPY AVAILABLE

1/64

4 Aug 60

EXHIBIT E

Do you know what your children learn  
in the schools your taxes support?

Do you know that in many schools,  
history, civics and geography have been done away with,  
and something called "Social Studies" substituted for  
them?

Do you know that many of the text-books  
most used are written by men who clearly do not believe  
in the capitalist system, and who wish to create a "new  
social order" in its place?

Do you realize that your children are  
thus being indoctrinated, and many are learning to look  
with contempt on American traditions and American private  
enterprise?

If you do not know these things, read  
the enclosed three addresses. Then write for further  
information.

American Parents Committee on Education  
505 Fifth Avenue,  
New York City.

Phone Murray Hill, 3-1635

BEST COPY AVAILABLE

4 Aug 50

105

Advertising Federation of America  
330 West Forty-Second Street, New York, N.Y. Telephone: MU 9-2430

April 18, 1940

Assistant Secretary  
New York State Economic Council, Inc.  
505 Fifth Avenue  
New York, N. Y.

Dear

Thank you for your letter of April 16th. I certainly appreciate knowing that has such a forgiving soul and that he does not think we necessarily are knaves.

One of the things that interests me especially in all the counter-attacks to our criticism is that no one has ever come to the front with an actual refutation of our specific charges. Referring, for instance, to the printed booklet we have published quoting and criticizing passages in Hugg's textbook, I have yet to receive the first evidence of even an attempt to take issue with our criticism of any particular passage. I imagine that Mr. Hart and Major Hudd can say the same of their experience.

I am glad to know that Mr. Hart's talk of March 26th was reported over the International News Service wires. It all helps.

With best wishes, I am

Sincerely yours,

signed -

Director  
BUREAU OF RESEARCH AND EDUCATION

12

BEST COPY AVAILABLE

4 Aug 40

108